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MEMORANDUM FOR: [REDACTED]

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SUBJECT : Designation of Residence for Purposes of Leave
Following Overseas Assignment

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1. A review of the Agency regulations and other material pertinent to subject has been made.

a. [REDACTED] Place of Residence, reads in part as follows:

"The place of residence shall be the employee's actual place of residence in the continental United States, its territories or possessions, at the time of initial appointment or transfer." "Special provisions with respect to changes in place of residence are set forth in paragraph 7.e. below."

b. Paragraph 7.e., Changes of Residence, is quoted as follows:

"Travel at Government expense for purposes of leave following an overseas assignment shall be restricted to the legitimate and bona fide home of the employee, except in those cases wherein an employee is compelled by necessity to change such residence. Changes in designated places of residence will be permitted, on the basis of documented justification, to prevent undue hardship. When an employee on an overseas assignment desires a change in his place of residence he will submit a request to the Offices or Personnel and the Comptroller, through the Operating Official concerned, indicating his last designated place of residence, the new place of residence, and the reasons for his request."

Form No. 61 which is used for the purpose of establishing place of residence is attached as Tab A.

c. The Department of State regulation on this subject is FSM, Part III-Administrative and Technical Services, 180 FSTR 1.2.j., which reads as follows:

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"Designated Place of Residence. The employee's designated place of residence for the purpose of home leave shall be one of the following:

- (1) The place of residence in the United States, its Territories or possessions, so designated by him in the most recent Form FS-304 (1 FSM IV 24.2) which is on file in the Department as of the date of issuance of the travel authorization; or
- (2) If no such place has been designated, the place in the United States, its Territories or possessions, where he last resided prior to his appointment to the Service.

The employee's designated place of residence for the purpose of separation from the Service or shipment of remains shall be one of the following:

- (3) The place of residence so designated by him in the most recent Form FS-304 which is on file in the Department as of the date of issuance of the travel authorization; or
- (4) If no such place has been designated, the place where he resided at the time of his appointment to the Service."

d. The FSM refers to this subject also in Part IV-Personnel-Administration, in paragraph 124.2, Residence and Dependency Report, which is quoted as follows:

"124.21 FS-Form 304, Residence and Dependency Report, must be executed by all employees of the Foreign Service who are United States citizens, upon appointment and upon any change in residence or change in the number of his dependents. Explanation of subsequent changes shall be noted on reverse side of form.

124.22 Since this form is used in connection with the home leave program, the block entitled "Place in Continental United States designated as place of residence for statutory leave and/or upon service separation" shall contain the place of residence for home leave purposes, immediately above the place of residence for separation purposes if the two are different.

124.23 This form shall be prepared in single copy and transmitted without accompanying communication to the Department, marked for the Division of Foreign Service Personnel."

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Form-FS 304, used in the State Department for this purpose is attached as Tab B.

e. Pertinent extract on this subject from the Department of Army regulation CPR T3, Title VI, Section 27(b), Travel Allowance is quoted as follows:

Travel Allowance. "An eligible employee shall be allowed travel expenses, including per diem in lieu of subsistence, for himself and transportation expenses for his immediate family from his post of duty outside the continental United States to the place of his actual residence at the time of his appointment or transfer to a post of duty outside the continental United States (hereinafter referred to in this section as "place of actual residence"), and from such place of actual residence to the same or another post of duty outside the continental United States. Such expenses shall be subject to the provisions of the Standardized Government Travel Regulations. If leave is taken at another location within the country, territory, or possession in which such place of actual residence is located, the travel and transportation expenses allowable shall not exceed those allowed over a usually traveled route between the post of duty and such place of actual residence and return to the same or a different post of duty outside the continental United States."

f. CG Decision B-122796, page 546, Vol. 34, quotes Section 7 of the Administrative Expenses Act of 1946, 60 Stat. 808, as Amended by the Act of August 31, 1954, PL 737, 68 Stat. 1008 in part as follows:

"That expenses of round trip travel of employee and transportation of immediate family * * * from their posts of duty outside the continental United States to the places of actual residence at the time of appointment or transfer to such overseas posts of duty, shall be allowed in the case of persons who have satisfactorily completed an agreed period of service overseas and are returning to their actual place of residence for the purpose of taking leave * * * ." The Decision states further that the term "actual residence" is not defined in the statute and is for determination from the facts of each case. (Also stated in B-125293, page 244, Volume 35).

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2. [REDACTED] states that an employee desiring to change his place of residence will forward his request, with documented justification, to the Office of Personnel and Comptroller through the appropriate operating official. The regulation does not state which of these components is responsible for approving or disapproving the request. The practice in the DD/P is that the request is reviewed in the operating division and a copy forwarded separately to the Office of Personnel and to

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the Comptroller, for file. The copy in the Personnel record is occasionally referred to in tracing an employee's address or whereabouts while on leave. The copy in the Finance Division serves no practical purpose since the division relies on the travel order for authority to pay expenses to the employee's claimed legal residence. If the request for a change in residence for home leave purposes is not challenged, the operating division uses it as a basis for the preparation of travel orders.

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3. [REDACTED] should be amended to clarify the conditions under which changes of residence may be authorized for leave purposes following an overseas assignment, and to designate one point of responsibility for the approval or disapproval of requests for change of residence.

[REDACTED]

Assistant SSA/DDS

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ATTACHMENTS

- Tab A Residence and Dependency Report - Agency Form
- Tab B Residence and Dependency Report - State Dep't. Form